



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,176	03/01/2000	Takayoshi Sasaki	PM 266297	3428

7590 02/27/2003

PILLSBURY WINTHROP LLP  
1100 NEW YORK AVENUE, N.W.  
9TH FLOOR  
WASHINGTON, DC 20005

EXAMINER

LE, HOA T

ART UNIT	PAPER NUMBER
1773	12

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/516,176	SASAKI et al
Examiner	Art Unit	
	H. T. Le	1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 December 2002 .

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-22 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15)  Notice of References Cited (PTO-892) 18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
16)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 19)  Notice of Informal Patent Application (PTO-152)  
17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Upon reconsideration, the restriction as set forth in the previous office actions is hereby withdrawn.

### *Claim Rejections - 35 USC § 102/103*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sowman (USP 4,349,456) .

Sowman teaches a hollow particle comprising a titania shell having a wall thickness of 0.1 to 100  $\mu\text{m}$  and diameters of 1 to 1000  $\mu\text{m}$ . Sowman also teaches

that such hollow particles can be made into flakes by conventional techniques. See col. 7, lines 51-62 and col. 8, lines 11-25.

5. Claims 7, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by prior art as admitted by Applicants.

Claim 7: At page 2, lines 3-18, it is stated that delaminated titania sol is known.

Claim 13: At page 2, lines 19-28, it is stated that mixed alkali metal titanate materials are known.

Claim 15: At page 19, lines 21-24, it is stated that layered titanic acid compounds are known.

6. Claims 20-22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sowman (USP 4,349,456).

Sowman suggests the use of titania hollow particles as pigments which would encompass the use of such pigments in cosmetic composition as claimed. In the alternative, it would have been obvious for one having ordinary skill in the art to employ titania particles taught by Sowman in cosmetic composition since such application is widely known.

7. Claims 4-6, 8-12, and 14 are rejected under 35 U.S.C. 103(a) as obvious over Sowman (USP 4,349,456).

Sowman discloses a method of making hollow microspheres containing titania wall by drying titania sol. See col. 7, lines 4-28 and examples 1 and 2. Although

spray-drying is not explicitly suggested in the reference, it would have been obvious to for one having ordinary skill in the art to apply spray-drying method in order to obtain hollow microspheres because such application is widely used in the art. See for example, US Patent No. 5,534,348 to Miller et al (see abstract) or US Patent No. 5,741,478 to Osborne et al. (see abstract and col. 3, lines 39-55).

8. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Tani et al (US 6,004,525).

See abstract and col. 2, lines 35-56.

9. Other references are cited as art of interest.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. T. Le whose telephone number is 703-308-2415. The examiner can normally be reached on 10:00 a.m. to 7:00 p.m., Mondays to Friday.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9610 for regular and After Final communications.



H. T. Le  
Primary Examiner

hl  
February 24, 2003